

FORTY-NINTH DAY.

Senate Chamber,
Austin, Tex., Wednesday, Mar. 17.

Senate met pursuant to adjournment.

Lieutenant Governor Jester in the chair.

Roll called.

No quorum, the following Senators answering to their names:

Atlee.	Lewis.
Beall.	Linn of Victoria.
Bowser.	Presler.
Burns.	Ross.
Colquitt.	Stone.
Darwin.	Turney.
Dibrell.	Wayland.
Goss.	Woods.
Greer.	Yantis.
Kerr.	Yett.

Absent.

Bailey.	Rogers.
Boren.	Stafford.
Gough.	Terrell.
Neal.	

Excused.

Harrison.	Morriss.
Linn of Wharton.	Tillett.

Senator Turney moved a call of the Senate, which was ordered, the following Senators answering to their names:

Atlee.	Lewis.
Beall.	Linn of Victoria.
Bowser.	Presler.
Burns.	Ross.
Colquitt.	Stone.
Darwin.	Turney.
Dibrell.	Wayland.
Goss.	Woods.
Greer.	Yantis.
Kerr.	Yett.

Absent.

Bailey.	Rogers.
Boren.	Stafford.
Gough.	Terrell.
Neal.	

Excused.

Harrison.	Morriss.
Linn of Wharton.	Tillett.

Senator Terrell was announced.

Quorum announced.

Prayer by the Chaplain, Rev. F. S. Jackson.

Pending the reading of the Journal of yesterday,

On motion of Senator Kerr, the same was dispensed with.

On motion of Senator Beall,

Senator Greer was excused for non-attendance on Monday afternoon and

Tuesday, on account of important business.

On motion of Senator Linn of Victoria,

Senator Gough was excused from Friday last up to and including this week, on account of important business.

On motion of Senator Yett,

Senator Stone was excused for non-attendance on Monday last, on account of important business.

On motion of Senator Greer,

Senator Beall was excused for non-attendance on Friday last and Monday, on account of important business.

HOUSE MESSAGE.

The following House message was received:

Hall House of Representatives,
Austin, Texas, March 17, 1897.

Hon. George T. Jester, President of the Senate.

I am directed by the House to inform the Senate of the passage of the following bills:

Senate bill No. 144, a bill to be entitled "An act to amend article 749c, of chapter 18, of title XXI, of the Revised Civil Statutes, restricting land holdings of certain corporations."

House bill No. 404, a bill to be entitled "An act to transfer Grimes county from a community school system to a district school system."

Passed by two-thirds vote.

Senate bill No. 152, a bill to be entitled "An act to amend the Collin, Grayson, Williamson, Lamar and Bell county road law, said law passed by the Twenty-third Legislature, by amending section 10, in regard to the payment of commissioners when acting as road commissioners."

House bill No. 387, a bill to be entitled "An act to restore to and confer upon the county court of Orange county the criminal jurisdiction heretofore belonging to it under the Constitution and General Statutes of the State of Texas, to conform the jurisdiction of the district court to such change, and to repeal all laws in conflict with the provisions of this act."

Passed by two-thirds vote.

House bill No. 432, a bill to be entitled "An act to restore and confer upon the county court of Jefferson county the civil and criminal jurisdiction heretofore belonging to said court under the Constitution and general statutes of Texas; to define the jurisdiction of said court; to conform the jurisdiction of the district court of said

county to such change; to fix the time of holding court, and to repeal all laws in conflict with this act,"

Passed by two-thirds vote.

House bill No. 426, a bill to be entitled "An act to restore to and confer upon the county court of Franklin county the criminal jurisdiction heretofore belonging to it under the Constitution and General Statutes of the State, and to conform the jurisdiction of the district court of said county to such change."

House bill No. 314, a bill to be entitled "An act to amend articles 529c, 529d, 529g, 529h, 529m and 529n, of chapter 5, title 13, of the Penal Code of the State of Texas of 1895, by adding articles 529s and 529t to said chapter 5, title 13, of said Penal Code of the State of Texas, relating to offenses for the protection of fish, birds and game, and to repeal all laws in conflict herewith."

Passed by two-thirds vote.

Substitute House bill No. 90, "An act to regulate the practice of dentistry in the State of Texas."

House joint resolution No. 7, notifying and confirming the action of the attorneys representing the State of Texas in compromising its claims to its university lands in McLennan county.

Passed by two-thirds vote.

House joint resolution No. 7, ratifying our Senators and Representatives in Congress to use their best endeavors to secure an appropriation for the purpose of opening a harbor at the mouth of the Brazos.

Respectfully,

LEE J. ROUNTREE, Chief Clerk.

IN SENATE.

The above reported bills were laid before the Senate, read first time, and referred as follows:

House bill No. 404, to the Committee on Education.

House bill No. 314, to Judiciary Committee No. 2.

House bill No. 90, to the Committee on Public Health.

House bill No. 426, to Judiciary Committee No. 2.

House bill No. 432, to Judiciary Committee No. 1.

House bill No. 387, to Judiciary Committee No. 1.

House joint resolution No. 7, to the Committee on Constitutional Amendments.

On motion of Senator Burns, the Senate took a recess of ten minutes,

which subsequently, on motion of Senator Greer, was extended, in order to permit Mr. Lotto of Austin County, a member of the House of Representatives, to deliver a dissertation upon the merits of his school bill (House bill No. 262), which had been adversely reported by the Senate Committee on Education.

AFTER RECESS.

COMMITTEE REPORTS.

Committee Room,

Austin, Texas, March 12, 1897.

Hon. George T. Jester, President of the Senate.

Your Committee on State Affairs, to whom was referred

Senate bill No. 233, a bill to be entitled "An act to amend article 2460 of the Revised Civil Statutes of Texas, by adding articles 2460a, 2460b, 2460c and 2460d, relating to mileage charged by sheriffs and constables in civil cases."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

BEALL, Chairman.

Committee Room,

Austin, Texas, March 11, 1897.

Hon. Geo. T. Jester, President of the Senate:

Your Committee on Constitutional Amendments, to whom was referred

Senate joint resolution No. 8, "A resolution to amend section 3, article XI, of the Constitution of the State of Texas, relating to subsidizing of railroads by counties now without railroads,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

ATLEE, Chairman.

Committee Room,

Austin, Texas, March 16, 1897.

Hon. George T. Jester, President of the Senate.

Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 205, a bill to be entitled "An act regulating business signs and what they shall contain, and to make all the property, stock, money and choses in action used or acquired in the business of any person, as to the creditors of such person liable for his debts when such person transacts such business with the addition of the words 'agent,' 'factor,' 'manager,'

'and company,' '& Co.,' or like words, and fails to disclose the name of his principal or partner by a sign placed at the house where he transacts such business,"

And find the same correctly engrossed.

DIBRELL, Acting Chairman.

Committee Room,

Austin, Texas, March 15, 1897.

Hon. George T. Jester, President of the Senate.

Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 72, a bill to be entitled "An act to establish a State Board of Embalming, to provide for the better protection of health, to prevent the spread of contagious diseases, and to regulate the practice of embalming and the care of and disposition of the dead,"

And find the same correctly engrossed.

DIBRELL, Acting Chairman.

Committee Room.

Austin, Texas, March 15, 1897.

Hon. Geo. T. Jester, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared

Substitute Senate bill No. 92, a bill to be entitled "An act to amend articles 3828 and 3829, of the Revised Civil Statutes of the State of Texas, relating to the control of the Capitol building,"

And find the same correctly engrossed.

DIBRELL, Acting Chairman.

Committee Room,

Austin, Texas, March 11, 1897.

Hon. George T. Jester, President of the Senate.

Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 87, a bill to be entitled "An act to amend an act of the regular session of the Twenty-third Legislature, entitled an act to provide for the protection of domestic animals, for the creation of a live stock sanitary commission, rules and regulations, to provide penalties for violating the same, and to make an appropriation to carry out the provisions of this act, approved April 20, A. D. 1893."

And find the same correctly engrossed.

DIBRELL, Acting Chairman.

Committee Room,

Austin, Texas, March 13, 1897.

Hon. George T. Jester, President of the Senate.

Your Committee on Engrossed Bills have carefully examined and compared

Substitute Senate bill No. 163, a bill to be entitled "An act to amend articles 3984, 3985 and 4028, of the Revised Civil Statutes of 1895, prescribing the penalties for violations of this act, and repealing articles 3986 and 3987 and all laws in conflict with this act,"

And find the same correctly engrossed.

DIBRELL, Acting Chairman.

Committee Room,

Austin, Texas, March 13, 1897.

Hon. Geo. T. Jester, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 20, a bill to be entitled "An act to require city and county treasurers to report condition of interest and sinking funds to the State Comptroller; to prohibit them from diverting said funds, and providing penalties."

And find the same correctly engrossed.

DIBRELL, Acting Chairman.

Committee Room,

Austin, Texas, March 15, 1897.

Hon. Geo. T. Jester, President of the Senate.

Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 145, a bill to be entitled "An act to regulate proceedings in the District Court on appeal from the County Court, contesting the probate of last wills and testaments."

And find the same correctly engrossed.

DIBRELL, Acting Chairman.

Committee Room,

Austin, Texas, March 12, 1897.

Hon. George T. Jester, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 73, a bill to be entitled "An act to provide for preliminary hearings in trials of trespass to try title to real estate; for a more speedy settlement of land titles in this State; and to repeal all laws and parts of laws in conflict with the provisions of this act."

And find the same correctly engrossed.

DIBRELL, Acting Chairman.

Committee Room,
Austin, Texas, March 16, 1897.

Hon. Geo. T. Jester, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 197, a bill to be entitled "An act to incorporate the city of Dallas and grant it a new charter,"

And find the same correctly engrossed.

DIBRELL, Acting Chairman.

Committee Room,
Austin, Texas, March 17, 1897.

Hon. Geo. T. Jester, President of the Senate.

Your Committee on Roads, Bridges and Ferries, to whom was referred

House bill No. 140, a bill to be entitled "An act to amend article 4744, title XCVII, chapter 4, of the Revised Civil Statutes of Texas, relating to powers and duties of overseers of public roads."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

WAYLAND, Chairman.

MAJORITY REPORT.

Committee Room,
Austin, Texas, March 12, 1897.

Hon. George T. Jester, President of the Senate.

Your Judiciary Committee No. 2, to whom was referred

House bill No. 168, "An act to punish persons for wilfully turning out or permitting to run at large, within a county or subdivision of any county in which the stock law has been adopted, stock not permitted to run at large."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do not pass.

STAFFORD, Chairman.

MINORITY REPORT.

Committee Room,
Austin, Texas, March 12, 1897.

Hon. Geo. T. Jester, President of the Senate.

A minority report of your Judiciary Committee No. 2, to whom was referred

House bill No. 168, a bill to be enti-

tled "An act to punish persons for wilfully turning out or permitting to run at large within a county or subdivision of any county in which the stock law has been adopted, stock not permitted to run at large."

Beg leave to dissent from the report of the majority, and recommend that said bill do pass.

GOSS,
WOODS,
TURNERY.

MAJORITY REPORT.

Committee Room,
Austin, Texas, March 12, 1897.

Hon. Geo. T. Jester, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 89, a bill to be entitled "An act to amend article 633, chapter 7, title 15, of the Penal Code of the State of Texas, relating to rape."

Have had the same under consideration, and I am instructed by a majority of the committee to report the attached substitute to the Senate with the recommendation that said substitute do pass, and also that only the substitute be printed.

WOODS, Acting Chairman.

MINORITY REPORT.

Committee Room,
Austin, Texas, March 12, 1897.

Hon. George T. Jester, President of the Senate.

The undersigned members of your Judiciary Committee No. 2, beg to report adversely on Senate bill No. 89 and the committee substitute, said bill being known as the age of consent bill, and we recommend that this report be adopted and that the bill do not pass.

Respectfully submitted,

COLQUITT,
ROSS,
TURNERY,
DIBRELL.

Committee Room,
Austin, Texas, March 12, 1897.

Hon. George T. Jester, President of the Senate.

Your Judiciary Committee No. 2, to whom was referred

House bill No. 75, a bill to be entitled "An act to amend article 881 of the Penal Code of the State of Texas, relating to theft of horses, asses and mules, so as to fix the punishment thereof at confinement in the penitentiary for not less than two nor more than ten years."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

WOODS, Acting Chairman.

Committee Room,
Austin, Texas, March 12, 1897.

Hon. George T. Jester, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred

House bill No. 162, "An act to amend article 198, chapter 1, title 7, of the Penal Code of Texas, relating to disturbance of public worship."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

WOODS, Acting Chairman.

Committee Room,
Austin, Texas, March 12, 1897.

Hon. George T. Jester, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 277, a bill to be entitled "An act to amend article 848 of chapter 4, title 9, of the Code of Criminal Procedure of the State of Texas, adopted at the regular session of the Twenty-fourth Legislature, 1895, so as to require all fines to be payable in lawful money of the United States, or county script, and further regulating the payment of bail bonds, recognizances, forfeitures and other undertakings, and to repeal all laws in conflict therewith."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

WOODS, Acting Chairman.

Committee Room,
Austin, Texas, March 12, 1897.

Hon. George T. Jester, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred

House bill No. 180, a bill to be entitled "An act to amend article 5043 of the Revised Statutes of 1895, so as to exempt Maverick county from the provisions of title 102, chapter 6, relating to the inspection of hides and animals,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, with the following amendments:

Amend caption by adding after the word "Maverick" the words "and other counties."

Amend by adding after the word "Menard" the words "Runnels, Uvalde and Zavala."

WOODS, Acting Chairman.

Committee Room,
Austin, Texas, March 12, 1897.

Hon. Geo. T. Jester, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred

House bill No. 15, a bill to be entitled "An act to amend article 822, chapter 4, title 17, of the Penal Code, relating to counties exempted from the provisions of articles 813-821, Penal Code."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

WOODS, Acting Chairman.

BILLS AND RESOLUTIONS.

By Senator Burns:

Senate bill No. 285, a bill to be entitled "An act making an appropriation for the establishment of a public park on the site of the battlefield of San Jacinto, and the erection of the necessary buildings and improvements thereon, and providing for the purchase and condemnation of a sufficient amount of land upon which to establish said park."

Read first time and referred to Committee on State Affairs.

By Senator Turney:

Senate bill No. 286, a bill to be entitled "An act to provide for the redistricting of Menard and Montague counties into public free school districts."

Read first time and referred to Committee on Education.

By Senator Wayland:

Senate bill No. 287, a bill to be entitled "An act to amend article 5172 of the Revised Civil Statutes of the State of Texas, relating to the commissions of tax collectors."

Read first time and referred to Committee on Finance.

By Senator Greer:

Senate bill No. 288, a bill to be entitled "An act to authorize the Gulf, Colorado and Santa Fe Railway Company to purchase the Texas, Louisiana and Eastern Railroad, and to operate the same under the charter of the Gulf, Colorado and Santa Fe Railway Company as a part of its own line, with the right to extend the same, and to construct branches therefrom by amendment of its charter under the general laws of the State of Texas."

Read first time and referred to Committee on Internal Improvements.

By Senator Presler:

Senate bill No. 289, a bill to be entitled "An act to amend article 3964 of the Revised Civil Statutes of the State of Texas of 1895, providing for taking the scholastic census."

Read first time and referred to Committee on Education.

By Senator Presler:

Senate bill No. 290, a bill to be entitled "An act to provide for the improvement of the county schools, by creating county boards of education and prescribing their duties, and defining sub-districts."

Read first time and referred to Committee on Education.

By Senator Stone:

Senate joint resolution No. 9, relating to the relics in the hands of the Daughters of the Republic of Texas, and to the setting apart of a room in the Capitol of Texas, not set apart for other purposes, for the purpose of storing and exhibiting said relics.

Read first time and referred to Committee on State Affairs.

Call concluded.

BILLS ON THIRD READING.

The Chair laid before the Senate,

House bill No. 82, a bill to be entitled "An act to amend article 878, title 17, chapter 9, of the Penal Code of the State of Texas, and to make the receiving or concealing of stolen property a criminal offense, and to provide appropriate penalties for said offense, and to repeal all laws and parts of laws in conflict with the provisions of this act,"

Action being on final passage.

On motion of Senator Greer, the bill was laid on the table subject to call.

The Chair laid before the Senate,

House concurrent resolution No. 16, requesting our Senators and Representatives in Congress to use their best endeavors to secure an appropriation for the purpose of opening a harbor at the mouth of the Brazos.

Read and adopted.

Senator Atlee called up

Senate bill No. 2, a bill to be entitled "An act to amend articles 5139 and 5152 of the Revised Civil Statutes of the State of Texas, adopted at the regular session of the Twenty-fourth Legislature, relating to the assessment and collection of taxes on lands in unorganized counties belonging to non-residents,"

Which had passed the House with

amendments, and moved that the Senate concur in said amendments.

Concurred.

The Chair laid before the Senate,

House bill No. 396, a bill to be entitled "An act to amend article 616a of the Revised Statutes of the State of Texas of 1895, relating to the formation of independent school districts, and prohibiting towns within such districts from assuming control of the schools therein while the independent districts exist."

Bill read third time.

By Senator Presler:

Amend article 616a by adding after the word "to," at the end of the first paragraph: "And provided also, that all school incorporations hereafter formed under the provisions of this act shall have the right to levy and collect taxes and issue bonds for school purposes, the same as school incorporations heretofore formed."

Adopted.

The bill was passed by the following vote:

Yeas—21.

Atlee.	Linn of Victoria.
Beall.	Presler.
Bowser.	Ross.
Burns.	Stone.
Colquitt.	Terrell.
Darwin.	Turney.
Dibrell.	Wayland.
Goss.	Woods.
Greer.	Yantis.
Kerr.	Yett.
Lewis.	

Nays—none.

Absent.

Bailey.	Rogers.
Boren.	Stafford.
Neal.	

Excused.

Gough.	Morriss.
Harrison.	Tillett.
Linn of Whartol.	

At the direction of the Chair, the following communications were laid before the Senate:

Honorable President and Members of the Senate, Austin, Texas.

Your humble petitioners, voicing the sentiments of 500,000 of your population, appear before your honorable body praying a favorable consideration of their request to establish a home for the needy and destitute children of the race who, having been deprived of their natural guardians, have been thrown upon the charities of a cold and unfriendly world. Left

to shift for themselves, unfortunate outcasts, they have wandered from pillar to post, most of them finally being added to the criminal class of the State.

Their sad condition, appealing to our instincts of kindness, has moved your petitioners and those they represent to make some effort in their behalf. Moved by these motives, we have purchased an admirable site of more than fifty acres lying contiguous to the State Orphan Asylum already established at Corsicana, and which is paid for with the exception of \$500, more or less.

We are grateful for the many acts of kindly consideration that we as a people have received at your hands. We look with pride upon our normal school at Prairie View, and the asylum for the deaf, dumb and blind at Austin.

These evidences of your interest in our elevation are very dear to us, and we shall ever hold them in grateful remembrance. But the condition of those who are bereft of their parents and who are without protection, shelter or guidance is appalling and calls for consideration at your hands.

Gentlemen, it is known that whatever the failings of our race may be, ingratitude is not one of them. Should you in your judgment look with favor upon our memorial and favorably consider the proposition to establish a Home for the destitute colored children of the State, coming generations will rise up and call you blessed. We desire to impress upon your honorable body the fact that the criminal class among us is largely reinforced by this neglected class. By careful investigation, it has been proved beyond a possibility of contradiction that 90 per cent of the vagabond, criminal and vicious class spring from these neglected children, prowling around over our State, cities and streets, living by chance, endangering the happiness of our citizens, both white and black. These orphans must either be provided for now in an orphan home or later in our jails and penitentiaries. We know the root of this evil and believe that in a very few years, by granting our prayer for the establishing of a Home for the care and training of the children of the poor, the criminal statistics of the State will show a decrease of crime and an increase in useful and honorable citizenship.

Below we give the necessary amount to build and maintain the proposed Colored Orphan Home, under an act

we have already petitioned your august body, January 25, 1897:

A building 112x112, with two stories, with necessary rooms, offices, chapel, etc., 18-inch walls, height 24 feet:

Cost of brick	\$8,000 00
Labor and material	4,500 00
Provisions and clothes for 40 or 50 estimated children	2,500 00
Furniture and improvements	2,500 00
Additional expenses, travel- ing, servants, etc.	2,200 00
	<hr/>
	\$19,700 00

We again repeat, we have on hand something over 50 acres of land, all of which we propose to deed to the State, free of cost; the convenience of this plot of land to the white Orphan Home will reduce the water expenses to the State, with additional expense of \$1200, by putting in water connection with the white Orphan Home.

With the above appropriation the Home can be run with credit to the State, and the act will mark an important event in the history of our great State and will be appreciated by your colored constituents in this State. As already said, we can not see how you can let so important a matter escape your serious consideration; indeed, why not shorten other appropriations and assist this struggling child to existence, who in future days will assist in manufacturing loyal citizens, who will become property owners and taxpayers? thus helping to enrich our State.

Thanking you in advance for your consideration, we are, yours respectfully,

C. F. MOORE, D. D.,
H. GOODLOE,
GORDON PHIPP,
S. J. JENKINS.

Colored Orphan Home Committee.

Yoakum, Tex., March 15, 1897.

To the Honorable President and Senate of the State of Texas:

There is now a bill before you relating to and favoring the repeal of a law known as the fellow servant law.

This law we feel to be unjust to us who are employed by railway corporations, and that we should be entitled to the same consideration should we be killed or injured while in said service as are those who are injured or killed who are not employed.

We also feel that great injustice is done us by railway officials venting their malice on us by the present system of blacklisting.

House bills Nos. 237 and 420 are bills

which we hope to see enacted into laws, and should be much pleased to have a law enacted providing for a uniform car fare of 3 cents per mile to be paid by passengers either purchasing tickets or paying cash fare.

Therefore we, the members of the Order of Railway Conductors, the Brotherhood of Railway Trainmen, Brotherhood of Locomotive Engineers and Brotherhood of Locomotive Firemen, at Yoakum, Texas, March 15th, 1897, in union meeting, resolved that we humbly request your honorable body to pass favorably on aforesaid bills.

Respectfully submitted,

J. R. HUGHES,
J. M. YOUNG,
C. J. MARTIN,
R. D. COREY.

The Chair gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read,

House bill No. 213, entitled "An act to restore and confer upon the county court of Hardin county the civil and criminal jurisdiction heretofore belonging to said court under the Constitution and General Statutes of Texas; to define the jurisdiction of said court; to conform the jurisdiction of the district court of said county to such change; to fix the time of holding court, and to repeal all laws in conflict with this act."

House bill No. 85, entitled "An act to grant relief to certain teachers who taught during the school year of 1895-96 in Greer county, which was then considered a portion of Texas, but has since been made a part of the Territory of Oklahoma."

House bill No. 8, entitled "An act to amend chapter 6, article 400, of the Penal Code of the Revised Statutes of the State of Texas, relating to selling intoxicating liquors to minors."

House bill No. 115, entitled "An act to amend articles 744a and 744b of the Revised Civil Statutes of Texas of 1895, relating to corporations for the construction of union depots."

House bill No. 65, entitled "An act to define and punish the offense of wilfully or maliciously throwing missiles or firing guns or other firearms at or into moving trains on railroads or any railway depot, private residence, school house, church house, court house, store house, hotel or other public or private building, sailboat or steamboat in this State."

House concurrent resolution No. 7, "Empowering the Governor of Texas to call a cotton convention, inviting delegates from all cotton growing States, and appointing delegates from each congressional district in this State and two delegates from this State at large."

BILLS ON SECOND READING.

The Chair laid before the Senate, House bill No. 24, a bill to be entitled "An act to enable cities, towns and villages of this State to pay, provide for the payment of, or revive indebtedness barred by the statute of limitations."

Bill read second time with committee amendments.

Committee amendments adopted.

By Senator Colquitt:

Amend by striking out the enacting clause.

Adopted by the following vote:

Yeas—11.

Bowser.	Kerr.
Burns.	Ross.
Colquitt.	Terrell.
Darwin.	Wayland.
Dibrell.	Yantis.
Greer.	

Nays—10.

Atlee.	Presler.
Beall.	Stone.
Goss.	Turney.
Lewis.	Woods.
Linn of Victoria.	Yett.

Absent.

Bailey.	Rogers.
Boren.	Stafford.
Neal.	

Excused.

Gough.	Morriss.
Harrison.	Tillett.
Linn of Wharton.	

The Chair laid before the Senate,

House bill No. 41, "An act to amend article 2979, of chapter 4, title 55, of the Revised Statutes of the State of Texas, relating to divorce, so as to make husband and wife competent witnesses, and to repeal all laws in conflict herewith."

Bill read second time, and passed to third reading.

Senator Colquitt called up Senator Gough's motion (see Journal of March 12) to reconsider the vote by which

House bill No. 7, a bill to be entitled "An act to prevent the payment of any deficiency that may arise in any department of State government or institution of this State unless an

estimate of the same has been made out, sworn to and presented to and approved by the Governor, and filed with the Comptroller at least 30 days before such deficiency occurs,"

Was passed.

The motion to reconsider was lost.

The Chair laid before the Senate,

House bill No. 50, a bill to be entitled "An act to amend article 1757 of the Revised Civil Statutes (1895) of Texas, relating to the time and manner of making returns to the Secretary of State of elections for State and district officers," etc.

Bill read second time, and passed to third reading.

The following message from the Governor was received:

Executive Office,
Austin, Texas, March 15, 1897.

To the Senate: The advice and consent of the Senate is respectfully asked to the following appointments:

To be a member of the Board of Managers for the Southwestern Hospital for the Insane: James T. Burnett of Bexar county, vice Phil Shardein, resigned.

To be a member of the Board of Managers of the Confederate Home: W. H. Richardson of Travis county, vice F. R. Lubbock, resigned.

To be a member of the Board of Trustees of the Blind Asylum: R. H. Kirby of Travis county, vice W. H. Richardson, appointed member of the Board of Managers of the Confederate Home.

C. A. CULBERSON.

On motion of Senator Atlee, to-morrow, at 12 m., was fixed as the hour for the Senate to go into executive session to consider the above appointments.

Senator Dibrell entered a motion to reconsider the vote by which House bill No. 41 (see caption above) was passed to third reading, and had the same spread on the Journal.

The Chair laid before the Senate,

House bill No. 67, a bill to be entitled "An act to amend article 635, title 20, of the Revised Civil Statutes of the State of Texas, relating to the acknowledgments of married women as to the conveyance of their separate property."

Bill read second time, and passed to third reading.

The Chair laid before the Senate,

House bill No. 68, a bill to be entitled "An act to amend article 638, title 20, of the Revised Civil Statutes of the State of Texas,"

Bill read second time, with committee amendments.

Committee amendments adopted.

Bill as amended passed to third reading.

The Chair laid before the Senate,

House bill No. 262, a bill to be entitled "An act to amend article 3973 of the Revised Civil Statutes of the State of Texas, by adding thereto article 3973e, providing for the issuance of permanent certificates to teachers who have taught five years successfully and continuously in one of the public free schools of this State; said certificate to be good for the county of its issuance."

On motion of Senator Beall, further consideration was postponed until next Wednesday.

The Chair laid before the Senate,

House bill No. 322, a bill to be entitled "An act to amend article 1407 of the Revised Statutes of the State of Texas, and providing that neither the State of Texas nor the Railroad Commission of Texas shall be required to given bond on any appeal or writ of error taken by it, or either of them, in any civil case."

Bill read second time, with committee amendments.

Committee amendments adopted.

Bill as amended passed to third reading.

On motion of Senator Turney, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put upon its third reading and final passage by the following vote:

Yeas—21.

Atlee.	Linn of Victoria.
Beall.	Presler.
Bowser.	Ross.
Burns.	Stone.
Colquitt.	Terrell.
Darwin.	Turney.
Dibrell.	Wayland.
Goss.	Woods.
Greer.	Yantis.
Kerr.	Yett.
Lewis.	

Nays—none.

Absent.

Bailey.	Rogers.
Boren.	Stafford.
Neal.	

Excused.

Gough.	Morriss.
Harrison.	Tillett.
Linn of Wharton.	

Bill read third time, and passed by the following vote:

Yeas—21.

Atlee.	Linn of Victoria.
Beall.	Presler.
Bowser.	Ross.
Burns.	Stone.
Colquitt.	Terrell.
Darwin.	Turney.
Dibrell.	Wayland.
Goss.	Woods.
Greer.	Yantis.
Kerr.	Yett.
Lewis.	

Nays—none.

Absent.

Bailey.	Rogers.
Boren.	Stafford.
Neal.	

Excused.

Gough.	Morriss.
Harrison.	Tillett.
Linn of Wharton.	

The Chair laid before the Senate, House bill No. 394, a bill to be entitled "An act to amend article 867 of chapter 1, title XXV, of the Revised Civil Statutes of the State of Texas, relating to county finances."

Bill read second time, and passed to third reading.

On motion of Senator Dibrell, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put upon its third reading and final passage by the following vote:

Yeas—21.

Atlee.	Linn of Victoria.
Beall.	Presler.
Bowser.	Ross.
Burns.	Stone.
Colquitt.	Terrell.
Darwin.	Turney.
Dibrell.	Wayland.
Goss.	Woods.
Greer.	Yantis.
Kerr.	Yett.
Lewis.	

Nays—none.

Absent.

Bailey.	Rogers.
Boren.	Stafford.
Neal.	

Excused.

Gough.	Morriss.
Harrison.	Tillett.
Linn of Wharton.	

Bill read third time, and passed by the following vote:

Yeas—21.

Atlee.	Burns.
Beall.	Colquitt.
Bowser.	Darwin.

Dibrell.	Stone.
Goss.	Terrell.
Greer.	Turney.
Kerr.	Wayland.
Lewis.	Woods.
Linn of Victoria.	Yantis.
Presler.	Yett.
Ross.	

Nays—none.

Absent.

Bailey.	Rogers.
Boren.	Stafford.
Neal.	

Excused.

Gough.	Morriss.
Harrison.	Tillett.
Linn of Wharton.	

The Chair laid before the Senate, House bill No. 402, a bill to be entitled "An act to authorize the Comptroller of Public Accounts and the State Treasurer to transfer the sum of \$20,000 from organized county tax fund account to State revenue account."

Bill read second time, and

On motion of Senator Turney, further consideration was postponed until to-morrow.

The Chair laid before the Senate,

House bill No. 438, a bill to be entitled "An act to prescribe the time of holding the term of the district court in the Twenty-fifth Judicial District of Texas."

Bill read second time, and passed to third reading.

On motion of Senator Dibrell, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put upon its third reading and final passage by the following vote:

Yeas—21.

Atlee.	Linn of Victoria.
Beall.	Presler.
Bowser.	Ross.
Burns.	Stone.
Colquitt.	Terrell.
Darwin.	Turney.
Dibrell.	Wayland.
Goss.	Woods.
Greer.	Yantis.
Kerr.	Yett.
Lewis.	

Nays—none.

Absent.

Bailey.	Rogers.
Boren.	Stafford.
Neal.	

Excused.

Gough.	Morriss.
Harrison.	Tillett.
Linn of Wharton.	

Bill read third time, and passed by the following vote:

Yeas—21.

Atlee.	Linn of Victoria.
Beall.	Presler.
Bowser.	Ross.
Burns.	Stone.
Colquitt.	Terrell.
Darwin.	Turney.
Dibrell.	Wayland.
Goss.	Woods.
Greer.	Yantis.
Kerr.	Yett.
Lewis.	

Nays—none.

Absent.

Bailey.	Neal.
Boren.	

Excused.

Gough.	Rogers.
Harrison.	Stafford.
Linn of Wharton.	Tillett.
Morriss.	

PENDING BUSINESS.

The Chair laid before the Senate on third reading

Senate bill No. 182, a bill to be entitled "An act to provide an additional method of preparing transcripts of the record in civil cases, on appeal or writ of error, and to have the same printed, and prescribing the method of preparing and printing the same, and prescribing the costs and fees to be charged and collected therefor."

On motion of Senator Terrell, the bill was laid on the table subject to call.

On motion of Senator Terrell, the regular order of business was suspended to take up, on its second reading,

Senate bill No. 134, a bill to be entitled "An act to amend article 856, chapter 4, title 9, relating to the hiring out and working of convicts on the public works where such convict is convicted of a felony or misdemeanor and his penalty is assessed at a pecuniary fine and he makes oath that he is unable to pay such fine and costs."

Bill read second time, and ordered engrossed.

On motion of Senator Terrell, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put upon its third reading and final passage by the following vote:

Yeas—21.

Atlee.	Burns.
Beall.	Colquitt.
Bowser.	Darwin.

Dibrell.	Stone.
Goss.	Terrell.
Greer.	Turney.
Kerr.	Wayland.
Lewis.	Woods.
Linn of Victoria.	Yantis.
Presler.	Yett.
Ross.	

Nays—none.

Absent.

Bailey.	Rogers.
Boren.	Stafford.
Neal.	

Excused.

Gough.	Morriss.
Harrison.	Tillett.
Linn of Wharton.	

Bill read third time and passed.

On motion of Senator Yantis, the regular order of business was suspended, to take up, on its third reading,

Senate bill No. 205, a bill to be entitled "An act to regulate business signs and what they shall contain."

Bill read third time and passed.

On motion of Senator Colquitt, the Senate adjourned to 3 p. m.

AFTERNOON SESSION.

The Senate met pursuant to adjournment.

Lieutenant Governor Jester in the chair.

Roll called. Quorum present, the following Senators answering to their names:

Atlee.	Linn of Victoria.
Beall.	Presler.
Bowser.	Ross.
Burns.	Stone.
Colquitt.	Terrell.
Darwin.	Turney.
Dibrell.	Wayland.
Goss.	Woods.
Greer.	Yantis.
Kerr.	Yett.
Lewis.	

Absent.

Bailey.	Rogers.
Boren.	Stafford.
Neal.	

Excused.

Gough.	Morriss.
Harrison.	Tillett.
Linn of Wharton.	

On motion of Senator Turney, the regular order of business was suspended, to take up

Senate bill No. 87, a bill to be entitled "An act to amend an act of the regular session of the Twenty-third Legislature, entitled an act to provide for the protection of domestic animals, for the creation of a live stock sanitary commission, rules and regulations, to provide penalties for violating the same, and to make an appropriation to carry out the provisions of this act, approved April 20, A. D. 1893."

Bill read third time.

By Senator Turney:

Amend page 2, lines 3 and 4, by striking out "three years," and insert in lieu thereof "two years."

Adopted.

By Senator Colquitt:

Amend by striking out "twenty," in line 12, page 9, section 17, and insert "ten" in lieu thereof.

Adopted.

Bill as amended passed.

On motion of Senator Bowser, the regular order of business was suspended, to take up on its second reading.

Senate bill No. 188, a bill to be entitled "An act to regulate the purchase of supplies of every kind whatsoever for the use of State, county and municipal governments, offices, officers and employes, and to fix a penalty for the violation of the provisions of this act."

Bill read second time.

By Senator Colquitt:

Amend section 1 by adding thereto the following:

"Provided, that in no instance shall a contract for any work or supplies be awarded except to the lowest and best bidder."

Adopted.

By Senator Bowser:

Amend by adding:

"Section 3. The fact that the session of the Legislature is fast drawing to a close, and that there is now no law requiring public officials and agents who purchase supplies for public use to give the product of home labor, home factories and home material preference of foreign-made goods and supplies, creates an emergency and a public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this bill be placed upon its third reading and final passage."

Adopted.

By Senator Greer:

Amend by striking out the period in line 20, page 1, occurring after the word "established," and insert a com-

ma; also to add in line 21, page 1, after the word "or," the words "who have."

Adopted.

By Senator Dibrell:

Amend by striking out in section 1 all after the word "ten," in line 32, and insert in lieu thereof "\$500."

Adopted.

By Senator Lewis:

Amend by inserting after the words "who shall," in section 2, line 30, the words "wilfully and knowingly."

Adopted.

Bill as amended ordered engrossed.

On motion of Senator Presler, the regular order of business was suspended to take up, on its third reading,

Senate bill No. 48, a bill to be entitled "An act to provide for the survey of lands to be set apart as a permanent endowment fund for a branch university for colored people of this State,"

Action being on the motion (Tillett's, see Journal of February 3rd) to reconsider the vote by which the bill was ordered engrossed.

Senator Presler moved to table the motion to reconsider.

Tabled.

Bill read third time.

By Senator Linn of Victoria:

Amend section 1, line 12, by striking out the word "one," and insert in lieu thereof the word "two."

Adopted by the following vote:

Yeas—18.

Atlee.	Lewis.
Beall.	Linn of Victoria.
Bowser.	Presler.
Burns.	Ross.
Colquitt.	Stone.
Dibrell.	Terrell.
Goss.	Turney.
Greer.	Wayland.
Kerr.	Yett.

Nays—3.

Darwin.	Yantis.
Woods.	

Absent.

Bailey.	Rogers.
Boren.	Stafford.
Neal.	

Excused.

Gough.	Morriss.
Harrison.	Tillett.
Linn of Wharton.	

Bill passed by the following vote:

Yeas—18.

Atlee.	Colquitt.
Beall.	Dibrell.
Bowser.	Goss.
Burns.	Greer.

Kerr.	Stone.
Lewis.	Terrell.
Linn of Victoria.	Turney.
Presler.	Wayland.
Ross.	Yett.

Nays—3.

Darwin.	Yantis.
Woods.	

Absent.

Bailey.	Rogers.
Boren.	Stafford.
Neal.	

Excused.

Gough.	Morriss.
Harrison.	Tillett.
Linn of Wharton.	

I am in favor of educating the negro race. I am in favor of doing so because I consider it right and proper, and in the interest of the general welfare of Texas. But this bill appropriates one hundred thousand acres of the public school and university lands, while the Democratic platform demands the appropriation of only fifty thousand acres of such land as an endowment fund for a branch university for the colored people. It was the deliberate judgment of our party in convention, coming as they did direct from the people from the various parts of the State, that only fifty thousand acres should be set apart, and I consider this bill as amended in positive violation of the platform demand. I therefore vote "no." YANTIS.

Senator Presler moved to reconsider the vote by which the bill was passed, and to lay that motion on the table.

Tabled.

HOUSE MESSAGE.

The following House message was received:

House of Representatives,
Austin, Texas, March 17, 1897.

Hon. George T. Jester, President of the Senate.

I am directed by the House to inform the Senate of the passage of the following bills:

Senate bill No. 32, a bill to be entitled "An act to amend chapter 4, title 7, of the Code of Criminal Procedure, by adding thereto article 524a, providing for the issuance of attachments for witnesses residing in the county of the prosecution when such witness is about to remove therefrom."

With engrossed rider.

Senate bill No. 74, a bill to be entitled "An act to authorize the Commis-

sioner of the General Land Office to forfeit all lands heretofore sold by the State under any of the various acts of the Legislature for failure to pay any portion of the purchase price therefor or interest thereon or for failure to reside on said land."

With engrossed rider.

Senate bill No. 55, a bill to be entitled "An act to amend articles 641 and 642, chapter 2 of title 21, of the Revised Civil Statutes of Texas relating to the creation of corporations."

House bill No. 548, a bill to be entitled "An act to create a more efficient road system for Wise county, Texas, and making county commissioners of said county ex officio road commissioners, and prescribing their duties as such, and providing for their compensation as road commissioners, and defining the duties and powers of such county commissioners, and providing for the appointment of road overseers, and defining their duties, and for the working of county convicts upon the public roads of said county, and providing officers' fees; and to provide for the payment of teams to work on roads and allowance for time of service for same on public roads in Wise county, and fixing a penalty for violations of this act, and to repeal all laws in conflict herewith."

Passed by two-thirds vote.

Respectfully,

LEE J. ROUNTREE, Chief Clerk.

The above House bill (No. 548) was read and referred to the Committee on Roads, Bridges and Ferries.

On motion of Senator Lewis, the regular order of business was suspended, to take up on its second reading,

Senate bill No. 216, a bill to be entitled "An act to amend article 745, of the Revised Civil Statutes of the State of Texas, requiring foreign corporations to file their articles of incorporation with the Secretary of State, and imposing certain conditions upon said corporations transacting business in this State, and authorizing the Secretary of State to issue permits to such corporations."

Bill read second time.

Bill ordered engrossed.

On motion of Senator Goss, the regular order of business was suspended to take up, on its second reading,

Substitute Senate bill No. 63, entitled "An act to repeal articles 4218d and 4218i, chapter 12a, title 87, of the Revised Statutes of the State of Texas, and to add to said chapter article

4218ff, and to amend articles 4218e, 4218f and 4218s of said chapter and title, relating to the sale and lease of the public free school and asylum lands."

Action being on the following amendment by Senator Goss:

Amend on page 2, line 14, of printed bill, by adding after the word "he" the following, "or his vendor."

Adopted.

By Senator Goss:

Amend on page 2, line 15, by adding after the word "he" the following, "or his vendor, or both together."

Adopted.

(President pro tem. Dibrell in the chair.)

By Senator Colquitt:

Amend by striking out all of line 12, on page 4, down to and including line 29, on page 5.

Lost.

(Senator Terrell in the chair.)

On motion of Senator Colquitt, the Senate adjourned to 10 a. m. to-morrow.

FIFTIETH DAY.

Senate Chamber,

Austin, Tex., Thursday, Mar. 18.

Senate met pursuant to adjournment.

Lieutenant Governor Jester in the chair.

Roll called. Quorum present, the following Senators answering to their names:

Atlee.	Morriss.
Beall.	Neal.
Bowser.	Presler.
Burns.	Rogers.
Colquitt.	Ross.
Darwin.	Stone.
Dibrell.	Terrell.
Goss.	Turney.
Greer.	Wayland.
Harrison.	Woods.
Kerr.	Yantis.
Lewis.	Yett.
Linn of Victoria.	

Absent.

Bailey. Stafford.

Boren.

Excused.

Gough. Tillett.

Linn of Wharton.

Prayer by the Chaplain, Rev. F. S. Jackson.

Pending the reading of the Journal of yesterday,

On motion of Senator Wayland, the same was dispensed with.

On motion of Senator Turney,

Senator Rogers was excused for non-attendance upon the Senate from Friday last up to and including Wednesday, March 17, on account of committee business.

On motion of Senator Yett,

Page Garvey Harrison was excused for Friday, Monday and Tuesday.

On motion of Senator Ross,

Senator Atlee was excused for Monday and Tuesday, on account of committee business.

On motion of Senator Presler,

Senator Neal was excused for non-attendance from Friday, March 12, up to and including Wednesday, March 17, on account of committee business.

On motion of Senator Colquitt,

Senator Stafford was excused for this week, on account of sickness.

On motion of Senator Ross,

Senator Terrell was excused for non-attendance on Tuesday, on account of important business.

PETITIONS AND MEMORIALS.

By Senator Yantis:

Petition from citizens of McLennan county, praying for passage of an act to give cotton ginner a lien on cotton ginned.

Read and referred to Committee on Agricultural Affairs.

By Senator Terrell:

Petition from citizens of Montgomery county, protesting against the passage of House bill No. 487, relating to the commissioners court purchasing all stationery for county officers.

Read and referred to Committee on State Affairs.

By Senator Bowser:

Protest of the Cotton Crushers Association against the passage of the anti-oleomargarine bill, and asking that the legislation be against such measure.

Read and referred to the Committee on Public Health.

By Senator Bowser:

Protest of the Fort Worth Live Stock Exchange against the passage of an anti-oleomargarine bill, and asking that the Legislature declare against such measure.

Read and referred to the Committee on Public Health.

COMMITTEE REPORTS.

Committee Room,

Austin, Texas, March 17, 1897.

Hon. George T. Jester, President of the Senate:

Your Committee on Internal Improvements, to whom was referred

Senate bill No. 285, a bill to be entitled "An act to authorize the Gulf,